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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,718	04/26/2006	Ricardo Carlei	3029-000090/US/NP	1518

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EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,718	Applicant(s) CARLEI, RICARDO	
	Examiner Michael Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/6/06</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the winch, gas spring, and cooperating trolleys (claim 20) claimed subject matter must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

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The claims are generally objected to because of the following informalities:

Applicant seems to go back and forth between use of “said” and “the” in the claims (see claims 4,7,8 and the grip limitations). For sake of examination it is assumed there is no intent to denote a difference by use of “the” versus “said”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the said one grip" in line 2. There is insufficient antecedent basis for this limitation in the claim. For sake of examination it is assumed applicant meant “the at least one of the grips”.

Claim 8 recites the limitation "the first grip" in line 2. There is insufficient antecedent basis for this limitation in the claim. For sake of examination it is assumed applicant meant “a first grip of the two or more vacuum grips”.

Claim 10 recites the limitation "the second grip" in line 2. There is insufficient antecedent basis for this limitation in the claim. For sake of examination it is assumed applicant meant “a second grip of the two or more vacuum grips”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-8,11-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Tausheck (US 3,765,550).

Re claims 1,11-19, Tausheck teaches a device for handling glass or other sheet material (generally B), said device being in the form of a wheeled trolley (generally A) and having at least one vacuum grip (generally G) for releasable attachment to the surface of the sheet to thereby support the sheet from the trolley, said trolley having at least one ground-engaging wheel (generally H,57,58), and means (generally F) enabling the height of the vacuum grip relative to the wheel to be adjusted.

Re claim 2, Tausheck teaches the trolley comprises a support shaft (generally C) which extends upright in use of the trolley, and the vacuum grip mounted for movement along the shaft into a selected position with means (generally F) to secure the grip in the selected position.

Re claim 4, Tausheck teaches device for handling glass or other sheet material (generally B), said device being in the form of a wheeled trolley (generally A) capable of manual manipulation and having a support shaft (generally C) which extends upright-in use of the trolley; two or more vacuum grips (generally G) mounted on the shaft for movement into selected positions along the shaft, and means (generally F) for

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supporting at least one of the grips in a selected position along the shaft.

Re claim 5, Tausheck teaches the means (generally F) for supporting the said one grip position comprises means (generally F) for locking the vacuum grip against movement relative to the shaft in the selected position.

Re claim 6, Tausheck teaches the second vacuum grip (generally G) associated with means (generally F) for positively locking that grip to the shaft in a selected position.

Re claim 7, Tausheck teaches the means (generally F) for supporting the said one grip being capable of permitting controlled lowering of that grip relative to the shaft under the weight of the sheet carried by the grip.

Re claim 8, Tausheck teaches the means for supporting the first grip comprises a winch system (generally F) carried by the trolley, a winch cable of the winch system passing downwardly relative to the shaft, the first grip being attached to a lower end portion of the winch cable such that operation of the winch is effective to raise the first grip and the sheet carried thereby, and the winch is controllable to permit lowering of the first grip and the sheet carried thereby under the weight of the sheet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tausheck (US 3,765,550) in view of Corley (US 3,417,877).

Re claim 3, Tausheck is silent regarding apertures but Corley teaches shaft (generally 112) has a series of apertures (generally 122) spaced lengthwise of the shaft and the support grip (generally 120) secured in a selected position by engagement of a removable lock member (generally 111) in a selected one of the apertures in order to allow use in a greater variety of situations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Tausheck by Corley to have a series of apertures spaced lengthwise of the shaft and the support grip secured in a selected position by engagement of a removable lock member in a selected one of the apertures in order to achieve the predictable result of allowing use in a greater variety of situations.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tausheck (US 3,765,550) in view of Krawczyk (US 6,299,184).

Re claim 9, Tausheck is silent regarding gas springs, however Krawczyk teaches a trolley use of gas springs (column 2, lines 4-9) in order to hold and bias a support in a desired direction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Tausheck by Krawczyk to have the means for supporting the first grip in a selected position comprises a gas spring in order to achieve the predictable result of holding and biasing the support as desired and thus

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being capable of controlled lowering of the first grip under the weight of the sheet carried thereby.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tausheck (US 3,765,550) in view of Bell (US 3,643,935).

Re claim 11, Tausheck teaches the second grip is mounted on the shaft for sliding movement along the, the two grips being coupled for co-joint movement when both are attached to the sheet but does not teach the grips sliding independently. Bell teaches a trolley with grips (38,48,42,53) sliding independently in order to allow easier handling of different sized items. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Tausheck by Bell to have grips sliding independently in order to achieve the predictable result of allowing easier handling of different sized items.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tausheck (US 3,765,550).

Re claim 20, Tausheck is silent regarding use of more than one of the devices but It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Tausheck to have two separate dollies used together in order to achieve the predictable result of easier handling of especially long or large sheets.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schram (US 3,051,331) teaches a similar device.

Fujita (US 4,884,938) teaches a similar device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Scott Lowe whose telephone number is (571)272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Scott Lowe/
Examiner, Art Unit 3652

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